

<b>NHS FREEDOM TO SPEAK UP (WHISTLEBLOWING) POLICY</b>	<b>DOCUMENT TITLE:</b>	<b>NHS FREEDOM TO SPEAK UP (WHISTLEBLOWING) POLICY</b>
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<b>The electronic version of this document is the definitive version</b>		

## CHANGE HISTORY

Version	Date	Reason
1.0	September 2023	New document to comply with NHS England mandate: 'All NHS organisations are instructed to adopt this National policy, adding their own local information in the sections indicated. Organisations should ensure that an updated policy is in place by 31 January 2024.' Replaces the Raising Concerns Speak Up Safely (Whistleblowing) Policy.

A translation service is available for this document. The Interpretation/Translation Policy, Guidance for Staff is located on the intranet under Trust-wide Policies.

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## THE DUDLEY GROUP NHS FOUNDATION TRUST

### NHS FREEDOM TO SPEAK UP (WHISTLEBLOWING) POLICY

#### 1 INTRODUCTION

NHS England (2022) have issued national Freedom to Speak Up guidance and they require every NHS organisation to adopt it by January 2024. They state:

‘We want to make the NHS the best place to work and the safest place to receive care. We want everyone that works within the NHS to feel valued and respected at work and to know that their views are welcomed. By meeting their needs, we also enable them to deliver the best possible care.

We have published a new and updated national Freedom to Speak Up Policy for the NHS, which is applicable to primary care, secondary care, and integrated care systems. It focuses on the importance of inclusive and consistent speaking-up arrangements and driving learning through listening.

NHS England and the National Guardian’s Office have also published new and updated [Freedom To Speak Up Guidance](#) and a [Freedom To Speak Up Reflection And Planning Tool](#). Each will help the NHS deliver the People Promise for employees, by ensuring they have a voice that counts and by developing a speaking up culture.’

- 1.1** If you have concerns about any aspect of your work, it is important to speak up, as this will help the organisation to improve services for all patients as well as contributing to a better working environment for staff.

The Trust recognises that individuals may be worried to speak up, in case of blame or recrimination, but please do not be put off. In accordance with our duty of candour, our senior leaders and entire board are committed to an open and honest culture. We will look into what you say, and you will always have access to the support you need.

- 1.2 FEEL SAFE TO RAISE A CONCERN** - The Trust actively encourages staff to raise concerns at the earliest opportunity about safety, malpractice, or wrongdoing at work. If a genuine concern is raised through this policy the individual will not be at risk of any detriment as a result, i.e., losing their job, or having penalties applied or reprisals as a result. The Trust will continue to fully support staff even if they are found to be mistaken or their concerns prove not to be founded.

- 1.3** The Trust will not tolerate by anyone from all levels in the organisation:
- a) the harassment of anyone raising a concern and
  - b) any attempt to bully individuals into not raising a concern. If this occurs and is upheld following an investigation this will result in disciplinary action.

#### 2 STATEMENT OF INTENT and /PURPOSE

This policy is designed to provide guidance and support when raising concerns and applies equally to all staff working within the Trust and those who carry out work on the Trust's behalf, including Bank Staff, those on honorary contracts, research agreements, agency staff, voluntary workers, and contractors/sub-contractors.

It establishes clear principles and processes to enable staff to express their concerns by encouraging all staff to feel confident when raising concerns and to question an act where concerns about practice are experienced or witnessed.

NHS England (2022) states:

'All NHS organisations, and others providing NHS healthcare services in primary and secondary care in England, are required to adopt this national policy as a minimum standard to help normalise speaking up for the benefit of patients and workers. Its aim is to ensure all matters raised are captured and considered appropriately (P.3).

All NHS organisations are instructed to adopt this policy, adding their own local information in the sections indicated within the Policy. Organisations should ensure that an updated policy is in place by 31 January 2024.'

The content of this NHS England generated Policy has been annotated as instructed to reflect arrangements at the DGNHSFT and is added in full in **section 5.1**.

**Sections 5.2 to 5.6 of this Policy provide further specific DGNHSFT information.**

### 3 DEFINITIONS/ABBREVIATIONS

**DGNHSFT:** The Dudley Group NHS Foundation Trust

**Elfh:** Electronic Learning for Health

**FTSU:** Freedom to Speak Up

**NHS:** National Health Service

**PALS:** Patient Advice and Liaison Service

- 3.1 Concern-** A concern can be anything that is thought to be a risk to staff, patients, or the organisation. It can relate to risk, malpractice, wrongdoing, or omission, basically anything that is thought may harm the service. Please note it does not need to be a concern with the potential for catastrophic consequences but can be any level of potential/actual risk. Sometimes this can be a theme of minor concerns which can accumulate and have a negative impact.

The following are a few examples (NHS Improvement 2016) to put this into context, but this list is by no means exhaustive:

- Unsafe patient care
- Unsafe working conditions
- Inadequate induction or training for staff

- Lack of, or poor, response to a reported patient incident
- Suspicions of fraud
- A bullying culture (across a team or organisation rather than individual instances which would be managed through the Trust [Helping Resolve Problems \(Grievance\) Policy](#))

Remember that if you are a healthcare professional there may be a professional duty to report a concern. Don't wait for proof; raise the matter while it is still a concern. It does not matter if you turn out to be mistaken if you are genuinely troubled.

**3.2 Protected Disclosure**—see([Appendix 1](#))[The Public Interest Disclosure Act \(1998\)](#)

**3.3 Staff:** for the purpose of this policy these are individuals who currently or who have formally worked for the organisation both on substantive and Bank contracts. The term also encompasses those on honorary contracts, students, those on research agreements, agency staff, voluntary workers, and contracted/subcontracted staff.

**3.4 NGO - National Guardian Office:** leads, trains, and supports a network of Freedom to Speak Up Guardians in England.

## **4 DUTIES (RESPONSIBILITIES)**

### **4.1 Trust Board**

The Trust Board is responsible for monitoring compliance with and effectiveness of this policy and will ensure that effective management systems are in place.

### **4.2 Chief Executive Officer**

The Chief Executive Officer is the executive lead for FTSU and responsible for appointing the FTSU Guardian. They are ultimately accountable for:

- Ensuring that FTSU arrangements meet the needs of the employees in their Trust.
- Operationalising the learning derived from speaking up issues.
- Ensuring allegations of detriment are promptly and fairly investigated and acted on.
- Providing the board with a variety of assurance about the effectiveness of the Trusts strategy, policy, and process.

The Chief Executive is a key source of advice and support for their FTSU Guardians and meets with them regularly.

### **4.3 Non-Executive Lead**

The non-executive lead is responsible for:

- Acting as an alternative source of advice and support for the FTSU Guardian

- Overseeing speaking up concerns regarding board members.
- Holding the board to account for implementing the speaking up strategy.

#### **4.4 Freedom to Speak Up Guardian**

The Freedom to Speak Up Guardian is responsible for acting as an independent and impartial source of advice to staff at any stage of raising a concern, with access to anyone in the organisation, including the Chief Executive, or if necessary, outside of the organisation.

The guardian will escalate to the Board any indications that staff are being subjected to any detriment for raising concerns; remind the organisation of the need to give timely feedback on how concerns are being addressed; direct staff to where they can have access to personal support as raising a concern may be stressful.

##### **The Guardians will also:**

- Support Learning and Development to ensure FTSU training is available for all staff.
- Work in partnership to ensure managers and senior leaders are clear about their responsibilities when handling concerns and are supported to do so.
- Monitor and analyse the number and nature of concerns in a timely manner and share themes at senior level as appropriate whilst respecting confidentiality.
- Provide regular internal monitoring and review of policies relating to FTSU.
- Report every quarter into the FTSU Steering Group and discuss proposed actions and timescales for improving the service.
- Report to Workforce Committee at set intervals to provide details of recent FTSU activity along with the numbers and themes of concerns. The report will not contain names or areas of working.
- Report quarterly to the Trust Board to appraise them of service exceptions and service development.
- Where appropriate escalate concerns outside of the organisation (primarily to the National Guardian's Office)
- Engage with the National Guardian's Office and regional FTSU network to share learning. This includes quarterly reporting of the number and themes of concerns raised to the national database (the database does not contain names or areas of work).
- Continually work to raise the profile of FTSU.
- Work closely together with a number of services to support and process concerns, these services can include:
  - The Human Resources Team
  - The Patient Complaints, PALS, and Patient Safety team
  - The Health and Wellbeing Team

**The Guardians will not:**

- Carry out investigations.
- Replace Human Resources or Union representatives in solving relationship problems in teams or between members of staff.
- Deal with concerns raised by patients or visitors.

**4.5 Guardian of Safe Working (Junior Doctors)**

The Guardian of Safe Working will ensure that Junior Doctors have someone who they can go to if they feel that safe working is being put at risk because of being asked to work excessive hours.

The guardian acts as a champion for safe working and escalates any concerns brought to them by junior doctors.

**4.6 Freedom to Speak up Champions**

The Freedom to Speak Up Champions are responsible for:

- Supporting the Patient Safety Lead and Freedom to Speak Up Guardians.
- Acting as a contact point for staff who have a concern and assist in clarifying the nature of the concern.
- Signposting staff to the appropriate process or person so issues can be resolved quickly, or practices stopped or improved if necessary.

The list of Champions is on the Hub in the [raising concerns section](#).

**4.7 Chief People Officer and Human Resources Department**

The Chief People Officer and the HR Department are available to provide support and assistance to staff who want to raise a concern and to support with any investigation.

**4.8 Line Managers/Senior Managers/Director Managers**

Line Managers/Senior Managers/Director Managers are responsible for:

- Ensuring that all staff are aware of this policy and encourage a positive culture, in their areas, where staff feel safe to raise concerns without fear of any reprisals.
- On receipt of a concern, listen, respect, and support the member of staff.
- Ensuring that confidentiality is maintained.
- Determining what appropriate action is required following any identified learning from investigations – this should include positive learning.

**4.9 All Trust Staff**

All Trust Staff are responsible for ensuring they are aware of the content of this Policy. Where possible, staff will attempt to resolve any concerns locally via their

line manager initially but can escalate any unresolved concerns to the relevant Speak Up Guardian/Champion.

All staff have a right and duty to raise any matters of concern they have associated with the Trust, the care of all patients and the attitude/behaviour of other staff.

## 5. PROCESS

**Note: Section 5.1 contains hyperlinks that do not work due to formatting constraints.**

**If access to any of the hyperlinks is required, please use this hyperlink to the [Freedom to Speak Up Policy for the NHS template document](#).**



## 5. 1 NHS FREEDOM TO SPEAK UP POLICY

Publication approval reference: PAR1245\_i

# Freedom to Speak Up policy for the NHS

Version 2.0



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## Equality and Health Inequalities Statement

Promoting equality and addressing health inequalities are at the heart of NHS England's values. Throughout the development of the policies and processes cited in this document, we have:

- Given due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity, and to foster good relations between people who share a relevant protected characteristic (as cited under the Equality Act 2010) and those who do not share it; and
- Given regard to the need to reduce inequalities between patients in access to, and outcomes from healthcare services and to ensure services are provided in an integrated way where this might reduce health inequalities.

## Speak up – we will listen

We welcome speaking up and we will listen. By speaking up at work you will be playing a vital role in helping us to keep improving our services for all patients and the working environment for our staff.

This policy is for all our workers. The [NHS People Promise](#) commits to ensuring that “we each have a voice that counts, that we all feel safe and confident to speak up and take the time to really listen to understand the hopes and fears that lie behind the words”.

We want to hear about any concerns you have, whichever part of the organisation you work in. We know some groups in our workforce feel they are seldom heard or are reluctant to speak up. You could be an agency worker, bank worker, ~~locum~~ or student. We also know that workers with disabilities, or from a minority ethnic background or the LGBTQ+ community do not always feel able to speak up.

This policy is for all workers, and we want to hear all our workers' concerns.

We ask all our workers to complete the [online training](#) on speaking up. The online module on listening up is specifically for managers to complete and the module on following up is for senior leaders to complete.

You can find out more about what Freedom to Speak Up (FTSU) is in these [videos](#)



## This policy

All NHS organisations and others providing NHS healthcare services in primary and secondary care in England are required to adopt this national policy as a minimum standard to help normalise speaking up for the benefit of patients and workers. Its aim is to ensure all matters raised are captured and considered appropriately.



## What can I speak up about?

You can speak up about anything that gets in the way of patient care or affects your working life. That could be something which doesn't feel right to you: for example, a way of working or a process that isn't being followed; you feel you are being discriminated against; or you feel the behaviours of others is affecting your wellbeing, or that of your colleagues or patients.

Speaking up is about all of these things.

Speaking up, therefore, captures a range of issues, some of which may be appropriate for other existing processes (for example, HR or patient safety/quality) That's fine. As an organisation, we will listen and work with you to identify the most appropriate way of responding to the issue you raise.

## We want you to feel safe to speak up

Your speaking up to us is a gift because it helps us identify opportunities for improvement that we might not otherwise know about.

We will not tolerate anyone being prevented or deterred from speaking up or being mistreated because they have spoken up.

## Who can speak up?

Anyone who works in NHS healthcare, including pharmacy, optometry and dentistry. This encompasses any healthcare professionals, non-clinical workers, receptionists, directors, managers, contractors, volunteers, students, trainees, junior doctors, locum, bank and agency workers, and former workers.

## Who can I speak up to?

### Speaking up internally

Most speaking up happens through conversations with supervisors and line managers where challenges are raised and resolved quickly. We strive for a culture where that is normal, everyday practice and encourage you to explore this option – it may well be the easiest and simplest way of resolving matters.



However, you have other options in terms of who you can speak up to, depending on what feels most appropriate to you and depending on the size of the organisation you work in:

- Senior manager, partner or director with responsibility for the subject matter you are speaking up about.
- The patient safety team or clinical governance team (where concerns relate to patient safety or wider quality) extension 1004.
- Local counter fraud team (where concerns relate to fraud) Sophie Coster Mobile: 07436 268747 Email: [sophie.coster@nhs.net](mailto:sophie.coster@nhs.net)
- Our Freedom to Speak Up Guardian [philippa.brazier@nhs.net](mailto:philippa.brazier@nhs.net) ext 3469, who can support you to speak up if you feel unable to do so by other routes. The guardian will ensure that people who speak up are thanked for doing so, that the issues they raise are responded to, and that the person speaking up receives feedback on the actions taken. You can find out more about the guardian role [here](#).
- Our HR team at [dqft.generalhrqueries@nhs.net](mailto:dqft.generalhrqueries@nhs.net)
- Our senior lead responsible for Freedom to Speak Up Diane Wake [d.wake@nhs.net](mailto:d.wake@nhs.net) - they provide senior support for our speaking-up guardian and are responsible for reviewing the effectiveness of our FTSU arrangements.
- Our non-executive director responsible for Freedom to Speak Up Julian Atkins [julian.atkins@nhs.net](mailto:julian.atkins@nhs.net) – this role is specific to organisations with boards and can provide more independent support for the guardian; provide a fresh pair of eyes to ensure that investigations are conducted with rigor; and help escalate issues, where needed.



### Speaking up externally

If you do not want to speak up to someone within your organisation, you can speak up externally to:

- [Care Quality Commission](#) (CQC) for quality and safety concerns about the services it regulates – you can find out more about how the CQC handles concerns [here](#).
- [NHS England](#) for concerns about:
  - GP surgeries
  - dental practices
  - optometrists
  - pharmacies
  - how NHS trusts and foundation trusts are being run (this includes ambulance trusts and community and mental health trusts)
  - NHS procurement and patient choice
  - the national tariff.

NHS England may decide to investigate your concern themselves, ask your employer or another appropriate organisation to investigate (usually with their oversight) and/or use the information you provide to inform their oversight of the relevant organisation. The precise action they take will depend on the nature of your concern and how it relates to their various roles.

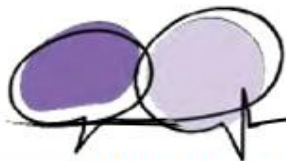
Please note that neither the Care Quality Commission nor NHS England can get involved in individual employment matters, such as a concern from an individual about feeling bullied.



- [NHS Counter Fraud Authority](#) for concerns about fraud and corruption, using their [online reporting form](#) or calling their freephone line **0800 028 4060**.

If you would like to speak up about the conduct of a member of staff, you can do this by contacting the relevant professional body such as the General Medical Council, Nursing and Midwifery Council, Health & Care Professions Council, General Dental Council, General Optical Council or General Pharmaceutical Council.

Appendix B contains information about making a 'protected disclosure'.



## How should I speak up?

You can speak up to any of the people or organisations listed above in person, by phone or in writing (including email).

### Confidentiality

The most important aspect of your speaking up is the information you can provide, not your identity.

You have a choice about how you speak up:

- **Openly:** you are happy that the person you speak up to knows your identity and that they can share this with anyone else involved in responding.
- **Confidentially:** you are happy to reveal your identity to the person you choose to speak up to on the condition that they will not share this without your consent.
- **Anonymously:** you do not want to reveal your identity to anyone. This can make it difficult for others to ask you for further information about the matter and may make it more complicated to act to resolve the issue. It also means that you might not be able to access any extra support you need and receive any feedback on the outcome.

In all circumstances, please be ready to explain as fully as you can the information and circumstances that prompted you to speak up.

## Advice and support

You can find out about the local support available to you at <http://thehub/raising-concerns/SitePages/Homepage.aspx>. Your local staff networks <http://thehub/raising-concerns/SitePages/FTSU%20Champions.aspx> can be a valuable source of support.

You can access a range of health and wellbeing support via NHS England:

- [Support available for our NHS people.](#)
- [Looking after you: confidential coaching and support for the primary care workforce.](#)

NHS England has a [Speak Up Support Scheme](#) that you can apply to for support.

You can also contact the following organisations:

- [Speak Up Direct](#) provides free, independent, confidential advice on the speaking up process.
- The charity [Protect](#) provides confidential and legal advice on speaking up.
- The [Trades Union Congress](#) provides information on how to join a trade union.
- [The Law Society](#) may be able to point you to other sources of advice and support.
- [The Advisory, Conciliation and Arbitration Service](#) gives advice and assistance, including on early conciliation regarding employment disputes.



## What will we do?

The matter you are speaking up about may be best considered under a specific existing policy/process; for example, our process for dealing with bullying and harassment. If so, we will discuss that with you. If you speak up about something that does not fall into an HR or patient safety incident process, this policy ensures that the matter is still addressed.

What you can expect to happen after speaking up is shown in Appendix B.

### Resolution and investigation

We support our managers/supervisors to listen to the issue you raise and take action to resolve it wherever possible. In most cases, it's important that this opportunity is fully explored, which may be with facilitated conversations and/or mediation.

Where an investigation is needed, this will be objective and conducted by someone who is suitably independent (this might be someone outside your organisation or from a different part of the organisation) and trained in investigations. It will reach a conclusion within a reasonable timescale (which we will notify you of), and a report will be produced that identifies any issues to prevent problems recurring.

Any employment issues that have implications for you/your capability or conduct identified during the investigation will be considered separately.

### Communicating with you

We will treat you with respect at all times and will thank you for speaking up. We will discuss the issues with you to ensure we understand exactly what you are worried about. If we decide to investigate, we will tell you how long we expect the investigation to take and agree with you how to keep you up to date with its progress. Wherever possible, we will share the full investigation report with you (while respecting the confidentiality of others and recognising that some matters may be strictly confidential; as such it may be that we cannot even share the outcome with you).

### How we learn from your speaking up

We want speaking up to improve the services we provide for patients and the environment our staff work in. Where it identifies improvements that can be made, we will ensure necessary changes are made, and are working effectively. Lessons will be shared with teams across the organisation, or more widely, as appropriate.

### Review

We will seek feedback from workers about their experience of speaking up. We will review the effectiveness of this policy and our local process annually, with the outcome published and changes made as appropriate.

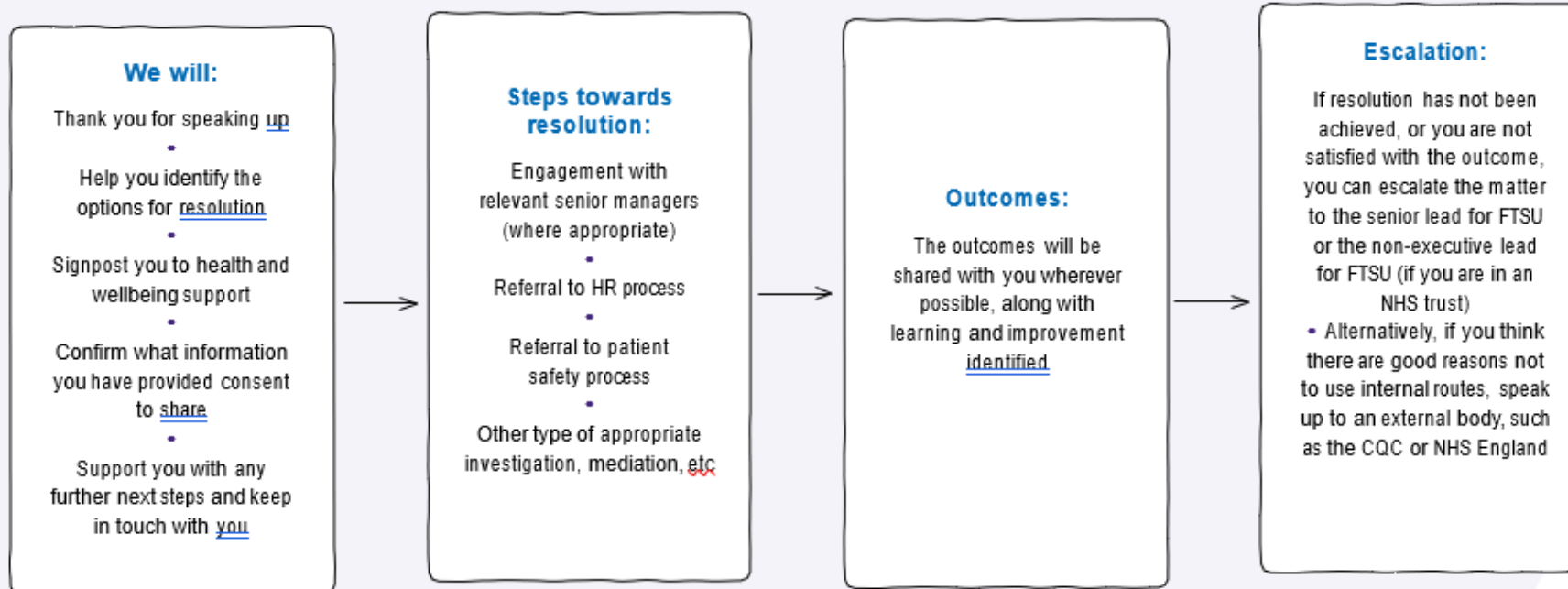
### Senior leaders' oversight

Our most senior leaders will receive a report at least annually providing a thematic overview of speaking up by our staff to our FTSU guardian(s).



## Appendix A:

### What will happen when I speak up?





## Appendix B:

# Making a protected disclosure

### Making a 'protected disclosure'

A protected disclosure is defined in the Public Interest Disclosure Act 1998. This legislation allows certain categories of worker to lodge a claim for compensation with an employment tribunal if they suffer as a result of speaking up. The legislation is complex and to qualify for protection under it, very specific criteria must be met in relation to who is speaking up, about what and to whom. To help you consider whether you might meet these criteria, please seek independent advice from the [Protect](#) or a legal representative.



## 5.2 WHO CAN RAISE A CONCERN AND HOW?

Anyone who works or has worked in the Trust can raise a concern in line with this policy. This includes all substantive staff, agency workers, temporary workers, students, volunteers and Governors.

Concerns can be raised in person, by phone, in writing or by email.

## 5.3 WHO SHOULD I RAISE MY CONCERN WITH?

In many circumstances the easiest way to get your concern resolved will be to raise it formally or informally with your line manager (or lead clinician or tutor).

However, where you do not think it is appropriate, or feel comfortable, to do this, you can use any of the options set out below in the first instance. Also, if raising it with your line manager (or lead clinician or tutor) does not resolve matters you can contact one of the following people:

- Our Freedom to Speak Up Guardians: April Burrows, Philippa Brazier (ext. 3469).

They can be contacted on their internal email addresses or through the address: [dqft.raising.concerns@nhs.net](mailto:dqft.raising.concerns@nhs.net)

- Guardian for Safe Working Hours (for working condition concerns for Junior Doctors) (refer section 4. 6) - Mr Fouad Chaudhry (mobile via switchboard 01384 456111)

You could also contact:

- The Chief Executive: Diane Wake, ext. 1017/2102
- Our non-executive director with responsibility for Speaking Up: Julian Atkins (via trust email or in person)

All these people have been trained in receiving concerns and will give you information about where you can go for more support.

If for any reason you do not feel comfortable raising your concern internally, you can raise concerns with external bodies (see [Appendix 2](#)).

On the front page of the Trust intranet (the Hub) is the freedom to speak up symbol



and further information on this subject is available there.

## **5.4 WHAT WILL THE NAMED PERSONS ABOVE DO?**

### **5.4.1 Initially**

We are committed to listening to our staff, learning lessons, and improving patient care. On receipt the concern will be recorded, and you will receive an acknowledgement within two working days.

The general theme and area of your concern will be recorded on an anonymised database to be kept as a long-term record to help to establish if there are areas, in the Trust, with ongoing concerns.

This record will not contain any person identifiable data and will only be accessible to the Guardian team.

Specific details of your concern may be kept for up to three years (with your consent) in case a further or repeat concern is raised. These details will be held specifically with the Guardian who has supported with the concern.

### **5.4.2 Investigation**

When you raise an initial concern or when you have been unable to resolve the matter with your line manager, we will talk about other options that are available to you.

This may include requesting advice from HR or talking to an appropriate person (such as your manager's line manager).

If investigation is required, this will be proportionate – using someone suitably independent usually from a different part of the organisation.

Any investigation will be objective, evidence-based, and will produce findings that focus on identifying and rectifying any issues and learning lessons to prevent problems recurring.

Feedback will be provided to anyone who raises a concern although it is necessary to protect confidentiality of other staff who may be involved in any investigative process.

It may be decided that your concern would be better looked at under another process, for example, the [Helping Resolve Problems \(Grievance\) Policy](#).

If so, we will discuss that with you. The Trust encourages its staff to still raise their concerns to enable an initial discussion. This will determine if the concerns would be better looked at under a different process.

## **5.5 CONFIDENTIALITY/ANONYMITY**

We hope you will feel comfortable raising your concern openly, but we also appreciate that you may want to raise it confidentially. This means that while you are willing for

your identity to be known to the person you report your concern to, you do not want anyone else to know who you are.

We will keep your identity confidential, if that is what you want, unless required to disclose it by law (for example, by the police) or if what you tell us is thought to be an immediate risk to the organisation/patients/staff.

You can choose to raise your concern anonymously, without giving anyone your name, but that may make it more difficult for us to investigate thoroughly and give you feedback on the outcome. For example, if your concern is about the behaviour of a colleague, it may be difficult to raise this without being able to give examples of any incidents of concern.

When a concern is raised anonymously it is likely to be more difficult to investigate so it is desirable that raised concerns should not be anonymous. If this occurs, however, the Trust will still fully investigate the issue and ensure appropriate action is taken.

## 5.6 SUPPORT, COMMUNICATION AND LEARNING

We will always treat you with respect and will thank you for raising your concerns. We will discuss your concerns with you to ensure we understand exactly what you are worried about. We will tell you how long we expect the investigation to take and keep you up to date with its progress.

We acknowledge that raising concerns can place a significant amount of pressure on the individual and they may require additional support.

The organisation welcomes the raising of a concern regardless of the nature/theme and will treat it as an opportunity for learning.

## 6 TRAINING/SUPPORT

NHS England requests that all Trust staff complete the [online training](#) via elfh:

**The online module ‘*speak up*’** is for all staff and can be accessed via the [raising concerns page of the HUB](#) or the [mandatory training page of the HUB listed under Equality, Diversity and Inclusion training](#) or <https://portal.e-lfh.org.uk/Component/Details/666107>

**The online module on ‘*listen up*’** is specifically for **line managers** to complete. <https://portal.e-lfh.org.uk/Component/Details/683995>

**The online module on ‘*follow up*’** is for **senior leaders** to complete. <https://portal.e-lfh.org.uk/Component/Details/752741>

## 7 PROCESS FOR MONITORING COMPLIANCE

### Monitoring of Compliance Chart

Element to be monitored	Lead	Tool	Frequency	Reporting arrangements	Acting on recommendations and Lead(s)	Change in practice and lessons to be shared and Leads
Compliance to the process and learning	Freedom to Speak up Guardian	Volume and thematic analysis of reported concerns.	Six weekly	Freedom to Speak Up steering group	Members of the group – Lead depending on the nature of the recommendation.	Members of the group – Lead depending on the nature of the recommendation.
Compliance to the process and learning	Freedom to Speak up Guardian	Volume and thematic analysis of reported concerns.	Bi-monthly	Workforce Committee	Members of the group – Lead depending on the nature of the recommendation.	Members of the group – Lead depending on the nature of the recommendation.
Compliance to the process and learning	Freedom to Speak up Guardian	Volume and thematic analysis of reported concerns.	Quarterly	Board of Directors	Members of the group – Lead depending on the nature of the recommendation.	Members of the group – Lead depending on the nature of the recommendation.
Training	Freedom to Speak up Guardian	Compliance records for Equality and Diversity training.	Quarterly	Freedom to Speak Up steering group	Members of the group – Lead depending on the nature of the recommendation.	Members of the group – Lead depending on the nature of the recommendation.

## 8 EQUALITY

The Dudley Group NHS Foundation Trust is committed to ensuring that, as far as is reasonably practicable the way we provide services to the public and the way we treat our staff reflects their individual needs and does not discriminate against individuals or groups on any grounds.

## 9 REFERENCES

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- Francis, R (2013) Report of The Mid Staffordshire NHS Foundation Trust Public Inquiry. (Archived) Available at: <https://webarchive.nationalarchives.gov.uk/ukgwa/20150407084231/http://www.midstaffpublicinquiry.com/report> [Accessed 30<sup>th</sup> June 2023]
- Health & Care Professions Council (HCPC) (2019) Whistleblowing. Fitness to practice: how to raise a concern. Available at: <https://www.hcpc-uk.org/concerns/raising-concerns/#:~:text=We%20protect%20the%20public%20by,other%20health%20and%20care%20professionals.> [Accessed 30<sup>th</sup> June 2023]
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## 10 APPENDICES

## **APPENDIX 1**

### **PUBLIC INTEREST DISCLOSURE ACT 1998**

#### **What does the Act do?**

The Act protects employees from detrimental treatment or victimisation from their employer if, in the public interest, they blow the whistle on wrongdoing.

#### **Who does it cover?**

The Act protects most employees in the public, private and voluntary sectors. The Act does not apply to genuinely self-employed professionals (other than in the NHS), voluntary workers (including charity trustees and charity volunteers) or the intelligence services.

#### **How does the Act protect employees?**

The Act protects employees in several ways, for example:

- if an employee is dismissed because he has made a protected disclosure that will be treated as unfair dismissal
- in any event employees are given a new right not to be subjected to any 'detriment' by their employers on the ground that they have made a protected disclosure, and to present a complaint to an employment tribunal if they suffer detriment as a result of making a protected disclosure.

#### **Further information**

The charity [Protect](#) - formerly Public Concern at Work, provides free confidential advice to employees who have concerns about wrongdoing in the workplace. The charity can be contacted by telephone on 020 7404 6609.

## APPENDIX 2

### EXTERNAL BODIES

**NHS Improvement** for concerns about how NHS Trusts and Foundation Trusts are being run, other providers with an NHS provider licence, NHS procurement, choice and competition and the national tariff.

Tel: 020 3747 0900 email: [enquiries@improvement.nhs.uk](mailto:enquiries@improvement.nhs.uk)

**Care Quality Commission** for quality and safety concerns

Tel: 03000 616161 email: [enquiries@cqc.org.uk](mailto:enquiries@cqc.org.uk)

**Health Education England** for education and training in the NHS

Tel: 0121 695 2222. Contact from at <https://www.hee.nhs.uk/about/contact-us>

**NHS Counter Fraud Authority** for concerns about fraud and corruption (Hotline 0800 028 4060).

**National Speak up Guardian Office** for support and advice or if you have concerned about how the Trust has dealt with your concern.

Tel: 0191 249 4400, email: [enquiries@nationalguardianoffice.org.uk](mailto:enquiries@nationalguardianoffice.org.uk)

### **Speaking up to NHS England**

NHS health and social care staff can raise concerns via their national helpline.

Tel: 0300 311 2233 email: [england.speakup1@nhs.net](mailto:england.speakup1@nhs.net)

### **Department of Health and Social Care**

Tel: 0207 210 4850

### **Health and Safety Executive**

Tel: 0300 003 1647

### **Information Commissioner**

Tel: 0303 123 1113

Alternatively, you can also contact your professional body or staff side representative.